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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,310	02/13/2001	Joseph Breeden	P 272852	7942
27160	7590	11/04/2005		
KATTEN MUCHIN ROSENMAN LLP 525 WEST MONROE STREET CHICAGO, IL 60661-3693			EXAMINER COLBERT, ELLA	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/781,310

Applicant(s)

JOSEPH BREEDEN

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 67-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 67-87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 67-87 are pending. Claims 67-87 are new claims and claims 1-22 and 45-66 have been cancelled in this communication filed 08/08/05 entered as Response After Non-Final and Request for Extension of Time.
2. The 35 USC 101 Rejection of claims 1-22 has been overcome by the cancellation of claims 1-22 and is hereby considered moot.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 75 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 75, lines 2-3 recites "... at least one account a function as a function of at least one external time based factor not related to the age of the account and". It is unclear what Applicant is trying to claim. Does Applicant mean "... at least one account as a function of at least one external time based factor not related to the age of the account and"?

Claim Objections

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5. Claim 75 is objected to because of the following informalities: claim 75, line 5 recites "consumer environment and economic environment)." This line would be better recited "consumer environment and economic environment." Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 67-73 and 77-84 are rejected under 35 U.S.C. 102(e) as being anticipated by (US 6,240,775) Freeman et al, hereafter Freeman.

As per claims 67 and 77, Freeman teaches, A method for forecasting the performance of at least one account, the method comprising:

(a) determining a vintage factor based upon multiple accounts of multiple vintages (col. 3, lines 10-42 and col. 4, lines 49-60); (b) determining the expected performance of at least one account as a function of the vintage of said at least one account based upon said vintage factor; wherein steps (a) and (b) are performed by a processor (col. 6, lines 1-56 and Fig. 1A). Freeman does not expressly disclose a processor. However, a processor is inherent to a computer and Freeman at col. 18, lines 45-55 teaches a computer.

As per claim 77, Freeman further teaches, access means for causing said processor to access account data from said memory (col. 18, line 45-col. 19, line 10).

As per claims 68 and 79, Freeman teaches, wherein step (b) comprises: determining the changes in the expected performance over the life of said at least one account (col. 8, lines 12-32).

As per claims 69 and 80, Freeman teaches, determining the expected performance of said at least one account by comparing said at least one account to other accounts of similar age (col. 10, lines 3-37 and line 38- col. 11 and col. 12, lines 1-29).

As per claims 70 and 81, Freeman teaches, wherein step (b) comprises: determining the expected performance of said at least one account by comparing it to other accounts of similar age or vintage by determining parameters that are common to all vintages at given ages (col. 10, lines 38-49 and Tables I, II, and III).

As per claims 71 and 82, Freeman teaches, wherein step (b) comprises: determining the expected performance of said account as a function of one or more external time based factors that are not related to the age of the account, defining an external impact factor (col. 12, line 54-col. 13, line 10)

As per claims 72 and 83, Freeman teaches, wherein step (a) comprises: determining a first scaling factor for scaling the expected performance of an account as a function of the age of the account, defining a vintage scaling factor (col. 13, lines 24-32).

As per claims 73 and 84, Freeman teaches, wherein the step (b) comprises:
determining a second scaling factor, defining a defining an external impact scaling
factor (col. 12, lines 59-65).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 74-76, 78, and 85-87 are rejected under 35 U.S.C. 103(a) as being
unpatentable over (US 6,249,775 B1) Freeman et al, hereafter Freeman in view of (US
6,185,543 B1) Galperin et al, hereafter Galperin.

As per claims 74 and 85, Freeman fails to teach, further including steps (c)
determining demographic characteristics of said at least one account. Galperin et al
teaches, further including steps (c) determining demographic characteristics of said at
least one account (col. 1, lines 31-51). It would have been obvious to one having
ordinary skill in the art at the time the invention was made to determine demographic
characteristics of said at least one account and to modify in Freeman in view of
Freeman's geographic locations and because such a modification would allow Freeman
to have a reflection of the consumer's demographic and other objective attributes that
can assess the behavior of the account. Freeman teaches, (d) comparing the
demographic characteristics of other accounts to at least one of said vintage scaling
factor and said external impact scaling factor (col. 7, line 61-col. 8, line 11). Freeman

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and Galperin failed to teach, (e) generating new scaling factors for new vintage accounts as a function of said demographic characteristics, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to generate new scaling factors for new vintage accounts as a function of said demographic characteristics and to modify in Freeman because such a modification would allow Freeman to have a graph of the vintage accounts displaying the various demographic characteristics (attributes) of each account.

As per claims 75 and 86, Freeman teaches, wherein step (b) comprises: determining the expected performance of said at least one account as a function of at least one external time based factor not related to the age of the account and selected from the group consisting of seasonality, market competition, management policy, consumer environment and economic environment (col. 12, lines 59-65).

As per claims 76 and 87, Freeman teaches, further including the step of: adjusting the expected performance of said at least one account as a function of the sensitivity of said account performance to said first or second scaling factors (col. 8, lines 18-32 and Fig. 1A).

As per claim 78, Freeman teaches, further including: (c) adjusting means for causing the processor to adjust the expected performance of said account as a function of at least one external factor not related to the age of said account (col. 12, lines 59-65).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rabane (US 6,405,179) disclosed the optimal allocation of investment funds among a portfolio of investments.

Gould et al (US 5,966,700) disclosed managing the allocation of mortgage pool risks.

Inquiries

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

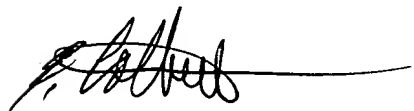
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'E. Colbert', with a long horizontal line extending to the right.

E. Colbert
Primary Examiner
October 28, 2005